**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.26902 of 2006

Dated: 27.12.2006

Between:

smt. Mahaboob Mastana Begum alias Muntaz Begum and antoehr.

**..... PETITIONERS**

AND

The Superintendent of Police, Eluru, W.G. District, and others.

**.....RESPONDENTS**

**THE HON'BLE SRI JUSTICE V.V.S. RAO**

WRIT PETITION No.26902 of 2006

ORDER:

Petitioner No.2 lodged a complaint, dated 10.12.2006, with Penugonda Police Station alleging commission of a cognizable offence by S.M. Saduddin and others. He alleged that the culprits along with their wives entered the coconut tope managed by him and removed the coconuts. The complaint also alleges that the culprits threatened the complainant with foisting of a case under Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The respondents did not register the complaint under Section 154(1) of the Code of Criminal Procedure, 1973 (Cr.P.C.). Therefore, this writ petition is filed seeking a direction to the respondents to register the complaint as a cognizable offence.

It is the duty of the officer-in-charge of a Police Station to register the commission of a cognizable offence. When the officer-in-charge of the Police Station fails to do so, remedy of the complainant is to approach the unit head of the District, namely, the Superintendent of Police under Section 154(3) Cr.P.C., in which event it shall be incumbent on him to look into the complaint and take up the investigation by himself or direct the police officer concerned to investigate the crime. Though petitioner No.2 has marked a copy of the complaint given on 10.12.2006 to the Superintendent of Police, the same in view of this Court is not sufficient compliance with Section 154(3) CrPC. The petitioners are, therefore, given liberty to approach the respondent No.1, namely, the Superintendent of Police and furnish a copy of the complaint dated 10.12.2006, whereupon respondent No.1 shall take necessary action as indicated hereinabove.

The writ petition is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

27th December, 2006

Note: Issue CC in two days.

B/o

ghn